

## AGENDA

### TUSAYAN TOWN COUNCIL MUNICIPAL CODE WORKSHOP

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, February 4, 2015 at 5:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a Meeting and Municipal Code workshop open to the public on Wednesday, February 4, 2015 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting the Town Manager at (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

### TOWN COUNCIL WORKSHOP

#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

#### 2. ROLL CALL

MAYOR GREG BRYAN

VICE MAYOR CRAIG SANDERSON

COUNCILMEMBER BILL FITZGERALD

COUNCILMEMBER AL MONTOYA

COUNCILMEMBER JOHN RUETER

*\* One or two Councilmembers may attend by telephone*

#### 3. DISCUSSION OF INCORPORATING THE INITIATIVE REGARDING DIRECT ELECTION OF THE MAYOR (PASSED BY THE VOTERS ON NOVEMBER 4, 2014) INTO THE TOWN CODE

The Council may wish to go into Executive Session pursuant to A.R.S. Section 38-431.03.A.3 & A.4 for discussion and consultation with the Town Attorney in order to receive legal advice and give direction concerning the process for integrating the language of the initiative into the Town Code.

#### 4. DISCUSSION OF DRAFT LANGUAGE FOR THE TUSAYAN MUNICIPAL CODE

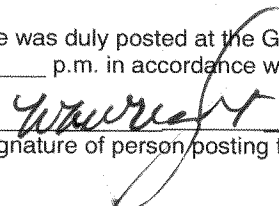
A. Chapter 2 – Mayor and Council

B. Chapter 3 – Manner of Elections

#### 5. MOTION TO ADJOURN

### CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 29 day of January, 2015, at 3:10 p.m. in accordance with the statement filed by the Tusayan Town Council

  
Signature of person posting the agenda

ITEM NO. 3 & 4A

~~CONFIDENTIAL~~

Formatted: Centered

Formatted: Font: Bold

## **CHAPTER 2 COUNCIL AND MAYOR**

### **Article 1 Council**

### **Article 2 Mayor**

### **Article 3 Council Procedures**

### **Article 4 Ordinances, Resolutions and Contracts**

#### **Section 2.1.1 Elected Officers**

- a. The elected officers of the Town shall be five (5) Council members one of whom shall be elected as Mayor in accordance with article 2 of this chapter. The Mayor and Council members shall constitute the Town Council and shall continue in office until assumption of duties of office by their duly elected successors.
- b. The term of office of each Council member (other than the Mayor) shall be four years or until a successor is elected and sworn in except that a term may be shortened to two years for the initial term of a newly elected Council member in order to maintain the staggered terms required by Section 2.1.1.d below. Any Council member elected to a two year term to preserve the staggered terms of the Council shall have a four year term thereafter if reelected.
- c. The term of the office of Mayor shall be two years or until a successor is elected and sworn in.
- d. Council members (other than the Mayor) shall serve four-year staggered terms as provided by ARS § 9-232.02, as may be amended, with two (2) members in one class and two (2) in the other class.

#### **Section 2.1.2 Corporate Powers**

The corporate powers of the Town shall be vested in the Council and shall be exercised only as directed or authorized by law. All powers of the Council shall be exercised by ordinance, resolution, order or motion.

#### **Section 2.1.3 Assumption of Office**

Members of the Council (including the Mayor) shall assume the duties of office at the first Council meeting following the canvass of the November general election at which the Council members and Mayor were elected. If (i) a Council candidate receives a majority of all votes cast (as determined by Section 3.2.1 of their Code) at a primary election, or (ii) a candidate for Mayor shall receive a majority of votes cast for the office of Mayor, such candidate shall be declared elected to the office, but effective as of the date of the general election, to be seated as set forth herein.

#### **Section 2.1.4 Oath of Office**

Immediately before assumption of the duties of office, each Council member (including the Mayor) shall, in public, take and subscribe to the oath of office.

#### **Section 2.1.5 Vacancies in Council**

**CONFIDENTIAL**

a. The office of any Council member (including the Mayor) is deemed vacant pursuant to ARS § 38-291, as may be amended.

b. The Council shall fill by appointment for the unexpired term any vacancy on the Council (excluding the appointment of a person to fill a Council member vacancy created as a result of the Vice Mayor's assumption of the duties and responsibilities of the office of Mayor which is governed by Section 2.2.2.a below, and excluding the appointment of a person to assume the duties and responsibilities of the office of Mayor which is governed by Section 2.2.2.b below) within 60 days, unless the vacancy occurs more than thirty days before the nomination petition deadline for the next election at which voters may elect a candidate to fill the vacant position, in which case the appointment shall be for a term until such election. A person who has been elected to fill the remainder of an unexpired term of a vacant office may take the oath of office and begin the remainder of the term of office at any time after the canvass of the election. The vacancy shall not reduce any Council quorum requirements.

**Formatted:** Font: Bold

**Formatted:** Centered

**Formatted:** Font: (Default) +Headings

**Formatted:** List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font: (Default) +Headings

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

**Formatted:** List Paragraph, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

**Section 2.1.6 Limitation on Filing for Election by Incumbent.**

Except during the final year of the term being served, an incumbent Council member may not file for the office of the Mayor unless the incumbent Council member formally resigns from elected office. The Vice Mayor's assumption of the duties and responsibilities of Mayor pursuant to Section 2.2.2.a below, and the appointment of a Council member to serve as the Mayor pursuant to Section 2.2.2.b below, shall not require the Vice Mayor or the appointed Council member to resign his or her position as a Council member Once an incumbent resigns from elected office, the office is declared vacant.

**Section 2.17 Limitation on Running for Multiple Offices.**

A person may not run for Town Council and the office of Mayor at the same time.

**Article 2  
Mayor**

**2.2.1 Determination of Mayor and Vice Mayor**

**2.2.2 Acting Mayor**

**2.2.3 Powers and Duties of the Mayor**

**2.2.4 Failure to Sign Documents**

**Section 2.2.1 Determination of Mayor and Vice Mayor**

Beginning with the first regular election for Town Council after November 19, 2014, the Mayor of the Town of Tusayan shall be elected by the qualified electors of the Town. The Council shall designate one of its members as Vice Mayor, who shall serve at the pleasure of the Council. The Vice Mayor shall perform the duties of the Mayor during his or her absence or disability.

**Section 2.2.2 Vacancy in the Position of Mayor**

**CONFIDENTIAL**

**Formatted:** Font: Bold

**Formatted:** Centered

- a. Upon the vacancy in the position of Mayor, at the first meeting following the creation of the vacancy, the Council shall fill the position by appointment from among the members of the Council until the next election at which the Mayor's position can be filled. The Vice Mayor shall assume the duties and responsibilities of the office of Mayor until the next possible election to fill the position of Mayor. Promptly following the creation of a vacancy in the office of Mayor, the Vice Mayor shall convene a meeting of the Town Council in order to (i) call for the next possible election to fill the position of Mayor and (ii) fill the Council member vacancy created as a result of the Vice Mayor temporarily assuming the duties and responsibilities of the office of Mayor. The person appointed by Town Council to fill the Council member vacancy created as a result of the Vice Mayor temporarily assuming the duties and responsibilities of the office of Mayor shall serve until a person is directly elected to fill the office of Mayor. The creation of a vacancy on Council arising out of the appointment of a Council member to fill the position of Mayor shall be filled as prescribed by Section 2.1.5 of this Code.
- b. The Town Council may by majority vote of the authorized members of the Town Council appoint a person from among its members to serve as the Mayor at any time that a person serving as Mayor has not been directly elected to serve as Mayor.
- c. Any person assuming the duties and responsibilities of the Mayor pursuant to Section 2.2.2.a or appointed to serve as Mayor pursuant to Section 2.2.2.b shall revert to his or her prior capacity as a Council member upon the direct election of a person to fill the position of Mayor if the term of such Council member has not expired at the time of the direct election of the Mayor.

**Formatted:** Justified, Don't add space between paragraphs of the same style, Line spacing: Multiple 1.05 li, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5", Keep lines together, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

**Formatted:** Font: (Default) Times New Roman

**Formatted:** Font: (Default) Times New Roman

**Section 2.2.32 Powers and Duties of the Mayor**

The powers and duties of the Mayor shall include the following:

- A. He or she shall be the chief executive officer of the Town
- B. He or she shall be the chairman of the Council and preside over its meetings. He/she may make and second motions and shall have a voice and vote in all of its proceedings.
- C. He or she shall enforce the provisions of this code.
- D. He or she shall execute and authenticate by his or her signature such instruments as the Council, or any statutes, ordinances, or this code shall require.
- E. He or she shall make recommendations and suggestions to the Council as he or she may consider proper.
- F. He or she shall govern by proclamation in the event of the threat of or occurrence of acts of riot, rout, or affray sufficient to constitute a great danger to the Town and its residents.

## **CHAPTER 2 COUNCIL AND MAYOR**

### **Article 3 Council Procedures**

### **Article 4 Ordinances, Resolutions and Contracts**

#### **Article 3 Council Procedures**

- 2.3.1 Regular Meetings**
- 2.3.2 Special Meetings and Times and Places of Special Meetings**
- 2.3.3 Posting of Notices**
- 2.3.4 Meeting to be Public**
- 2.3.5 Quorum**
- 2.3.6 Preparation of Agenda**
- 2.3.7 Order of Business**
- 2.3.8 Management of Meetings**
- 2.3.9 Voting**

#### **Section 2.3.1 Regular Meetings**

The Town Council will hold regular meetings at 6:00 p.m. on the first and third Wednesday of the month at the Town Hall for general business and public hearings as may be required by law, with work sessions to be held, as needed, before a regularly scheduled meeting, and the fourth Tuesday set aside for Planning & Zoning matters. If a regular meeting or work session is cancelled, such as near a holiday, notice of the cancellation shall be posted.

#### **Section 2.3.2 Special Meetings and Times and Places of Special Meetings**

- A. The Mayor, after public vote of the Council to schedule a special session within the jurisdiction of the Town, shall direct staff to schedule a special session of the Council, to begin at a time and place designated in the motion. In addition, the Mayor or Vice Mayor if the Mayor is absent pursuant to Section 2-2-5, and the Town Manager may jointly schedule a special session to be held at a time and in appropriate facilities within the Town limits when an urgent and/or unforeseen event or matter arises between regularly scheduled meetings after confirmation of the availability of a quorum. Special Meetings shall be posted in the same manner as regular meetings by the Town Clerk.
- B. Notices and agendas will be posted for the special sessions as required by law.
- C. Special sessions herein will not be scheduled away from Town Hall if the agenda involves public hearings on ~~controversial topics~~ likely to interest citizens of the Town in general rather than a particular neighborhood.

**Comment [WJS1]:** There isn't a Section 2-2-5

### Section 2.3.3 Posting of Notices

- A. Notice of Council meetings and agendas shall be posted at Town Hall, the local general store, and on the Town's website. Other public notices, such as public meetings of Commissions, committees, or boards, bidding, holidays, auctions, and zoning matters, will be posted in the same manner. Locations for posting may be changed by Council resolution.
- B. All notices shall contain a statement of posting signed by the Town Clerk or a designated representative showing the date and time of posting.
- C. **Posting of Alternate Meeting Locations.** In addition to the locations and content specified by 2-3-3-A and 2-3-3-B (Posting of Legal Notices), the Town Manager or Mayor may request that a meeting or public hearing, which may attract a large audience, or need special presentation facilities, be scheduled for an alternate site suitable within the jurisdiction of the Town for public participation. If the Council votes to change the location for that meeting, notice of the location change shall be posted in the normal locations, and the meeting may be called to order at the site without first being called to order at the Town Hall Council Chamber. This does not preclude the Council from relocating a meeting that is in progress to accommodate a crowd that exceeds maximum occupancy limits as established for Council Chambers.

### Section 2.3.4 Meeting to be Public

All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

### Section 2.3.5 Quorum

No action shall be taken unless a quorum is present. Three or more Council members (the Mayor counting as a member) shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time to compel request the attendance of absent members. In any meeting where a quorum is present, it shall take a majority vote of the entire Council, or a minimum of three (3) votes, to enact any measure, resolution, ordinance, or other business on the agenda.

### Section 2.3.6 Preparation of Agenda

- A. Prior to each Council meeting, or on or before a time fixed by the Council for preparation and distribution of an agenda, whichever is earlier, the Clerk shall collect all written reports, communications, ordinances, resolutions, contracts and other documents to be submitted to the Council, prepare an agenda in consultation with the Manager, Mayor, and no more than one (1) Council member of the Council according to the order of business and furnish each Council member, the Mayor and the Attorney with a copy of the agenda and other necessary reports and materials together with a copy of the draft minutes of the last preceding Council meeting. From time to time, addenda and late additions to the agenda are required and may be authorized by the Manager and Mayor due to extenuating circumstances beyond the control of the person requesting the addendum or late addition.

**Comment [WJS2]:** This could be very limiting if (for example) a council member who would otherwise vote for a matter is ill and cannot attend meetings. Below in Section 2-3-7(i) you allow a majority of those present to adjourn. If you want to keep the requirement here that any action requires a majority of the entire Council, you need to except out the power to adjourn the meeting.

**Comment [WJS3]:** What does "whichever is earlier" refer to?

**Comment [WJS4]:** What do words "according to the order of business" mean?

- B. All Council members are authorized to place item(s) on the agenda. Agenda item requests are to be submitted in written form to the Clerk. If the number of scheduled agenda items prevents the scheduling of a requested agenda item, the Mayor (with the consent of the requesting Council member) may schedule the requested item to be heard at the next meeting of the Council.
- C. The Town may use a consent agenda to address routine matters coming before the Council.



### Section 2.3.7 Order of Business

The business of the Council shall be the following items, not necessarily in that order:

- A. Call to Order: The Mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Vice Mayor shall call the Council to order. In the absence of both the Mayor and Vice Mayor, the clerk shall call the Council to order and an acting Mayor shall be selected to chair the meeting. Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the acting Mayor shall immediately relinquish the chair upon the conclusion of the business immediately before the Council. The Mayor shall preserve order and decorum and decide all questions of order and conduct. Questions from the staff or public ~~are~~must be addressed to the chair.
- B. Pledge of Allegiance.
- C. Roll Call. Before proceeding with the business of the Council, the Mayor or designee shall record the roll of the members and the names of those present shall be entered in the minutes. If a quorum is not present, the members present may adjourn pursuant to Section 2-3-5 of this code.
- D. Call to the Public. The Council on items designated for public input may hear petitions, remonstrances, communications, comments or suggestions from citizens present. All such remarks shall be addressed to the Council as a whole, and not to any member thereof, or the staff. Such remarks may be limited to three (3) minutes. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer. There will also be a Call to the Public for items NOT on the agenda. Council may direct staff to follow up on the item with a report or placement on an upcoming agenda.
- E. Consent Agenda: (Routine business, meeting dates, disbursements, and resolutions). Unless a member of the Council requests a reading of the minutes of the Council meeting, the minutes of the preceding meeting shall be considered approved if correct, and errors rectified if any exist.
- F. Ordinances/Resolutions/Other Actions Requiring Council Approval. The Council shall consider any ordinances or resolutions or other actions requiring Council approval as may be listed on the agenda.
- G. Reports by Officers. Town officials and committees shall present any reports required by the Council.
- H. Information and Updates.
- I. Adjournment. The Council may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

**Comment [WJS5]:** A member of Council is allowed to respond to criticism. Do you intend to prohibit that?

### Section 2.3.8 Management of Meetings

- A. Where practicable, executive sessions will be held prior to the regular business meetings, as opposed to during or following a meeting.
- B. Meetings will conclude at 10:00 p.m. with planned recesses during the meetings.
- C. If an item is opened for public input, individual members of the public may address the item one time. Public input is limited to three (3) minutes.
- D. All routine, administrative-type items such as contract awards and approvals, proclamations, etc. may be placed on the Consent Agenda.
- E. Previously approved items, such as budgeted items do not require further Council action and will not be placed on an agenda.
- F. All presentations are limited to ten (10) minutes for the presentation and discussion period.

### **Section 2.3.9 Voting**

- A. The Mayor shall vote as a member of the Council.
- B. If requested by a Council member, the minutes shall show the ayes and nays of any question to be taken. Council members wishing to abstain for a conflict of interest may state such on the record prior to any discussion or vote on the item. Any other abstention must be declared at the time of the calling for a vote, or a silence will be recorded as an affirmative vote. The Mayor or chairman of the meeting will announce on the record whether the motion passed or failed.

## **Article 4**

### **Ordinances, Resolutions and Contracts**

#### **2.4.1 Prior Approval**

#### **2.4.2 Introduction**

#### **2.4.3 Reading of Proposed Ordinance**

#### **2.4.4 Requirements for an Ordinance**

#### **2.4.5 Effective Date of Ordinances**

### **Section 2.4.1 Prior Approval**

All ordinances, resolutions, and contract documents shall, before presentation to the Council, have been reviewed as to form by the attorney and shall, when there are substantive matters of administration involved, be referred to the person who is charged with the administration of the matters. Such person shall have an opportunity to present his objections, if any, prior to the passage of the ordinance, resolution or acceptance of the contract.

**Comment [WJS6]:** Do you only allow a person charged with the administration of a matter to speak if they object?

### **Section 2.4.2 Introduction**

Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the attorney or the manager may present ordinances, resolutions and other matters or subjects to the Council, and any member of the Council may assume sponsorship thereof by moving that such ordinance, resolution, matter or subject be adopted; otherwise, they shall not be considered.

### **Section 2.4.3 Reading of Proposed Ordinance**

Ordinances shall be read before adoption, but may be read by title only, if the Council is in possession of printed copies of said ordinance. A member of the Council may request that the ordinance under consideration be read in full.

### **Section 2.4.4 Requirement for an Ordinance**

Each ordinance shall have one subject **ONLY**, the nature of which is clearly expressed in the title. Whenever possible, each ordinance shall be introduced as an amendment to this code or to an existing ordinance and, in such case, the title of the sections to be amended shall be included in the ordinance.

#### **Section 2.4.5 Effective Date of Ordinances**

No ordinance, resolution, or franchise shall become operative until thirty days after its passage by the Council and execution by the Mayor, except measures permitted by law to be adopted as an emergency that are necessary for the immediate preservation of the peace, health or safety of the Town, but such an emergency measure shall not become immediately operative unless it states in a separate section the reason why it is necessary that it should become immediately operative, and unless it is approved by the affirmative vote of three-fourths of all the members elected to the Council, taken by ayes and nays.

In addition to the provisions of subsection A of this section, the clerk shall certify the minutes of any Council meeting at which an ordinance, resolution or franchise, ~~except an emergency measure~~, is passed. The thirty day period specified in subsection A shall be calculated from the date of passage by the Council, execution by the Mayor, and approval as to form by the Town Attorney, and a copy available to the public pursuant to ARS 19-142.C, as may be amended .

ITEM NO. 3 & 4B

## **CHAPTER 3 MANNER OF ELECTIONS**

- Article 1 Election Procedures and Call of Elections**
- Article 2 Election Results**
- Article 3 Ballot Procedures**
- Article 4 Initiatives and Referendums**

### **Article 1 Election Procedures and Call of Elections**

- 3.1.1 Election Procedures**
- 3.1.12 Call of Election Procedures**
- 3.1.23 Notice Call of Election**

#### **Section 3.1.1 Election Procedures**

The manner of conducting and voting at elections in the Town, of keeping poll lists, counting and canvassing the votes, certifying the returns, declaring the results and notifying the persons elected, contesting the elections, and all acts relating to the elections, shall conform to the provisions of law relating to the general election of County officers as nearly as possible.

#### **Section 3.1.12 Call of Election Procedures**

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §9-821.01 City and Town Elections, as may be amended §39-204 Publication of Notice, and other relevant sections as they may apply.

#### **Section 3.1.23 Notice Call of Election**

Although not required by statute, in order to inform the electors of the Town, The Town Clerk shall cause to be published a 'Call of Election' approximately 100 days prior to the election date in order to inform the public about the election and to alert candidates to filing dates. Nothing on the ballot shall be indicative of the source of the candidacy or the support of the candidate.

### **Article 2 Election Results**

- 3.2.1 Primary Election Option**
- 3.2.2 Minimum Number of Votes Required for Election to Office**
- 3.2.23 General Election**
- 3.2.3 Declaration of Office**
- 3.2.4 Candidates Receiving an Equal Number of Votes**
- 3.2.5 Assuming Office**

### Section 3.2.1 Primary Election Option

A candidate is declared elected to office the Town Council in the Primary Election if that candidate receives a number of votes greater than the "majority of votes cast" as determined based on following formula a majority of all votes cast as set forth in ARS §9-821.01:

- a. add the total number of votes cast for all candidates for an office;
- b. divide the sum under subparagraph (a) by the number of seats to be filled at the election; and then
- c. divide the result of that calculation by two and rounding the number to the highest whole number.

Using this procedure, a vote cast is the same as a ballot. It is the number of ballots, not the number of choices exercised on each ballot that determines the majority of the total votes cast. If more candidates receive a "majority of votes cast" than there are seats to be filled for the office, from among those candidates who receive a "majority of votes cast," the candidates who receive the highest number of votes equal to the number of seats to be filled for the office shall be declared elected to that office.

### Section 3.2.2 Minimum Number of Votes Required for Election to Office

The minimum number of votes a candidate for Mayor or Council Member must receive to be elected to office under this provision is more than half of the total number of valid votes (ballots) cast at the primary election for all offices.

### Section 3.2.3 General Election

If at the primary election no candidate receives the "majority of the votes cast" as determined pursuant to Section 3.2.1, or the number of seats to be filled for the office is more than the number of candidates who receive a "majority of votes cast," of the candidates who did not receive a "majority of votes cast," the number of candidates who advance to the general election shall be equal in number to twice the number of seats to be filled for the office. The candidates at the general election shall be those candidates who received the highest number of votes for the office but the number of candidates shall not be more than twice the number of seats to be filled for the office. If more than one candidate received an equal number of votes and that number was sufficient to allow the candidate to be on the ballot, then all candidates receiving the equal number of votes shall be candidates at the general election.

### Section 3.2.3 Declaration of Office

The candidates equal in number to the seats to be filled for the office who receive the highest number of votes at the general runoff election shall be declared elected to that office. If there are offices not filled in the Primary Election, a General Election will be held. The Primary is then considered as an election for nominating candidates for the ensuing General Election. Candidates are qualified for inclusion on the General Election ballot in order of the vote total they received at the Primary Election. No more than twice the number of candidates for which there are vacancies on the Council may be placed on the General Election ballot.

### Section 3.2.4 Candidates Receiving Equal Number of Votes

Formatted: Font: +Headings, 11 pt

Formatted: List Paragraph, Add space between paragraphs of the same style, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

Formatted: Font:

Formatted: Font: +Headings, 11 pt

Formatted: Font: +Headings, 11 pt

Formatted: Font:

Formatted: Font: +Headings, 11 pt

Formatted: Justified, Space After: 10 pt, Line spacing: Multiple 1.05 li, Keep lines together

Formatted: Font: (Default) +Headings

Formatted: Font: (Default) +Headings

Formatted: Add space between paragraphs of the same style

Formatted: Font: (Default) +Headings

Formatted: Space After: 0 pt, Add space between paragraphs of the same style, Line spacing: Multiple 1.15 li, Don't keep lines together

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

Formatted: Font: +Headings

If two or more candidates receive an equal number of votes for the same office and a higher number than any other candidate, whether it is after a canvass or recount, the result shall be determined by lot in the presence of the candidates. The Town Clerk must give five (5) days' notice of the time and place of determining the election by lot to the candidates.

#### **Section 3.2.5 Assuming Office**

Candidates receiving the necessary number of votes to be elected in the Primary Election will be sworn into office in the same manner and within the same time period as candidates elected during the General Election, ~~except as provided in Section 2-1-4, Vacancies in Council.~~ If a General Election is unnecessary because all offices are filled at the Primary Election, candidates are not sworn in until after the date that the General Election would have been held.

### **Article 3 Ballot Procedures**

#### **3.3.1 County Elections Agreement**

#### **~~3.3.2 Legislative Report~~**

#### **Section 3.3.1 County Elections Agreement**

The Town shall enter into an intergovernmental agreement with Coconino County Elections Department and Recorder for conducting the election, for electronically scanning and matching the voter signatures and counting of the ballots.

### **Section 3.3.2 Legislative Report**

The Town Clerk shall tabulate and collect information after both elections and, prior to January 1, submit to the Legislature the report required in ARS 16-409.B, as may be amended, including changes in voter turnout, relative costs of mail ballot elections compared to traditional elections, suggestions for improvements or refinements in the mail ballot program, frequency and severity of mail ballot irregularities, voter satisfaction with the election process, and the number of undeliverable ballots.

## **Article 4**

### **Initiatives and Referendums**

#### **3.4.1 Power Reserved, Time of Election**

#### **3.4.2 Number of Signatures**

#### **3.4.3 Time of Filing**

#### **3.4.4 Sample Ballots and Publicity Pamphlets**

This article shall comply with and be automatically updated to current applicable Arizona Revised Statutes to include ARS §19-124, §19-141 and any other relevant sections as they may apply. In the event applicable statutes are amended, this Article 4 shall be revised to comply therewith.

#### **Section 3.4.1 Power Reserved; Time of Election**

There is reserved to the qualified electors of the Town the power of the initiative and the referendum as prescribed by the State Constitution. Any initiative or referendum matter may be voted on at the next ensuing primary or general election, or at a special election called by the Mayor and Council for such purpose.

#### **Section 3.4.2 Number of Signatures**

The basis upon which the number of qualified electors of the Town required to file a referendum petition shall be as determined by state law.

#### **Section 3.4.3 Time of Filing**

- A. Initiative petitions shall be filed at least one hundred twenty (120) days prior to the election at which they are to be voted upon.
- B. Referendum petitions shall be filed within thirty (30) days of the adoption of the ordinance or resolution to be referred. If the Town Clerk is unable to provide petitioners with a copy of the ordinance or resolution at the time of the application for an official number or on the same business day of the application, the thirty-day period shall be calculated from the date such ordinance or resolution is available.

#### **Section 3.4.4 Sample Ballots and Publicity Pamphlets**

The following procedures relating to sample ballots and publicity pamphlets are hereby adopted for conducting elections at which an initiative or referendum is to be voted upon:

- A. A publicity pamphlet, containing the entire text of the official ballot shall be mailed by the Town Clerk to each household within the Town in which a registered voter resides, not less than ten (10) days prior to the election to which the sample ballot pertains.



- B. The pamphlet shall contain the proposition as it will appear on the ballot together with a summary of each proposition. Each summary shall be followed by any arguments supporting the proposition followed by any arguments opposing the proposition.
- C. Arguments supporting and opposing the propositions appearing on the ballot shall be filed with the Office of the Town Clerk not less than ninety (90) days prior to the election at which the propositions are to be voted upon. Arguments supporting or opposing propositions appearing on the ballot shall meet the following requirements:
  - 1. Arguments must relate to the propositions proposed by the initiative or referred by referendum which will appear on the ballot.
  - 2. Arguments must identify the proposition to which they refer and indicate whether the argument is in support of or in opposition to the proposition.
  - 3. Arguments may not exceed three hundred words in length.
  - 4. Arguments must be signed by the person submitting them and notarized pursuant to ARS §19-124. Arguments submitted by organizations shall be signed on behalf of the organization by two (2) executive officers of the organization authorized to take such action, or if a political committee, by the Chairman or Treasurer. All persons signing documents shall indicate their residence or post office address and a telephone number.
  - 5. No person or organization shall submit more than one argument for each proposition to be voted upon.
  - 6. Each argument shall be accompanied by a deposit at the time of filing in an amount determined by the Town Clerk to offset proportional costs of printing. Any unused portion of the deposit will be returned to the filer. This requirement shall not be waived on any account. If the person filing an argument requests that the argument appear in connection with more than one proposition, a deposit shall be made for each placement requested.